

July 27, 2012

Marlene H. Dortch Secretary Federal Communications Commission 445 12th St SW Washington, DC 20554

Re: Notice of Ex Parte Presentation

WT Docket No. 10-4 (Signal Booster Rules to Improve Wireless Coverage) WT Docket No. 12-70 (Service Rules for AWS-4 in 2000-2020 and 2180-2200)

Dear Ms. Dortch:

On July 25, 2012, Harold Feld, John Bergmayer, Jodie Griffin, and Kara Novak of Public Knowledge (PK) met with Charles Mathias, Special Counsel to the Chairman, and Renee Wentzel, Legal Advisor to the Chairman, to discuss issues relating to the above captioned proceedings.

- 1. <u>Boosters</u>: PK argued that booster devices should be interoperable, and that consumers should be able to buy devices that work for any carrier as long as they meet any technical specifications set by the Commission. While registration requirements may be necessary as a means to mitigate interference, carriers should not be able to leverage this process to control what devices a consumer may use, or to charge different fees for registering different kinds of device. Finally, as a legal matter, although users that deploy boosters would be operating under their respective carriers' licenses, this does not mean that carriers are entitled to fine-grained control over boosters or how they are uses. If this were the case, not only would the Commission arguably lack authority to require some kinds of interoperability, but users of unlocked devices might no longer fall under their carrier's license. Such an absurd result is contrary to considerable precedent.
- 2. <u>AWS-4</u>: PK urged the Commission to ensure that if any provider receives billions of dollars in spectrum to enhance competition, that competition is actually enhanced. This means both that the spectrum should be sufficient to actually deploy a competitive network, and that the recipient of this spectrum should be required to actually build it out. Particularly, any spectrum that is freed up for competitive use in this way must not simply be "flipped" (for example, to AT&T or Verizon), since such a transaction would not only create an unjust windfall, but could actually decrease competition and exacerbate a growing problem with spectrum concentration.



/s Harold Feld Senior Vice President Public Knowledge 1818 N St NW, Suite 410 Washington, DC 20036

CC via email: Charles Mathias Renee Wentzel